



Legislative Fiscal Bureau

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TO: Members,
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Senate Bill 341: Salaries of Deputy District Attorneys

Senate Bill 341 relating to the salaries of deputy district attorneys, was introduced on November 28, 2007, by the Joint Committee on Employment Relations and referred to the Committee on Senate Organization. On December 5, 2007, the Committee on Senate Organization referred the bill to the Joint Committee on Finance.

CURRENT LAW

Prior to January 1, 1990, district attorneys, deputy district attorneys, and assistant district attorneys were county employees. Under 1989 Wisconsin Act 31, prosecutors became state employees on January 1, 1990, and the state now pays for prosecutors' salaries and fringe benefits. If a county has a population of 100,000 or more, the district attorney may appoint between one and five deputy DAs, depending on the county's total population. Deputy DAs perform supervisory and administrative responsibilities in addition to prosecuting cases.

There are 71 elected district attorneys, 21.0 deputy district attorney positions, and 341.85 assistant district attorney positions currently authorized in Wisconsin. All of these positions are in the unclassified service. A collective bargaining unit for assistant district attorneys is authorized under Subchapter V of Chapter 111, the State Employment Labor Relations Act (SELRA). The authority of assistant district attorneys to collectively bargain was provided under 1989 Wisconsin Act 31.

Under current law, the state is required to pay a salary to deputy district attorneys that does not exceed the maximum of any pay range to which assistant district attorney positions are assigned, except that a deputy district attorney may receive additional compensation for supervisory duties in accordance with supplementary provisions for supervisory and managerial employees in the state compensation plan. This provision was also enacted under 1989 Wisconsin

Act 31.

SUMMARY OF BILL

Under SB 341, the requirement that the state may not pay a salary to deputy district attorneys that exceeds the maximum of any pay range to which assistant district attorney positions are assigned, except that a deputy district attorney may receive additional compensation for supervisory duties in accordance with supplementary provisions for supervisory and managerial employees in the state compensation plan would be eliminated. Instead, the bill would require that the state establish and adjust the salaries of deputy district attorneys in accordance with the state compensation plan.

FISCAL EFFECT

SB 341 was introduced by the Joint Committee on Employment Relations (JCOER) at the request of the Office of State Employment Relations (OSER). The bill is viewed by OSER as a technical correction to the statutes.

As noted above, assistant district attorneys were provided the right to collectively bargain under SELRA beginning when prosecutors were made state employees in January, 1990. The pay limitation provision for deputy district attorneys has also been in effect since that date. OSER officials indicate that the pay limitation provision for deputy district attorneys can create a conflict between the pay provisions of the state compensation plan, covering the deputies, and the provisions in the collective bargaining agreements of the assistants, due to varying effective dates for the compensation plan provisions and the collective bargaining agreements. As a result, it is possible for the compensation of deputy district attorneys to temporarily exceed the statutory pay limitation under current law. For example, under the 2007-09 compensation plan (approved by JCOER on November 11, 2007), the maximum salary for a deputy district attorney is \$55.538 per hour until July 5, 2008. However, the current salary maximum in effect for assistant district attorneys under the 2005-07 contract (the contract under which assistant district attorneys are currently operating) is \$54.327 per hour.

The SB 341 provision to eliminate the pay limitation and to establish and adjust the salaries of deputy district attorneys in accordance with the state compensation plan would eliminate this potential conflict. OSER indicates the compensation of deputy district attorneys would continue to be established in close relation to the maximum of any pay range to which assistants are assigned. As a result, in a fiscal note for SB 341, OSER projects no state fiscal effect for the bill.

Prepared by Art Zimmerman